

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ACADEMY OF ALLERGY & ASTHMA
IN PRIMARY CARE, et al.,

Plaintiffs,

$$\mathbf{V}_i$$

AMERICAN ACADEMY OF ALLERGY,
ASTHMA & IMMUNOLOGY, et al.,

Defendants.

[illegible]

CIVIL NO. 5:14-cv-00035-OLG-JWP

**ORDER GRANTING DEFENDANTS MOTION TO COMPEL
PRODUCTION OF PLAINTIFFS' PRIVILEGE LOG AND FOR SANCTIONS**

On this day came to be considered the Motion to Compel Production of Plaintiffs' Privilege Log and for Sanction filed by Defendants Allergy and Asthma Network/Mothers of Asthmatics, Inc. ("Mothers of Asthmatics") and Tonya Winders ("Winders") against Plaintiffs Academy of Allergy & Asthma in Primary Care ("AAAPC") and United Biologics, LLC d/b/a United Allergy Services ("UAS") (collectively, "Plaintiffs"). (Docket no. XXX). Having considered the motion, the Court finds it is well taken and should be GRANTED.

Accordingly, IT IS ORDERED that Plaintiffs produce privilege logs that satisfy the requirements of FED. R. CIV. P. 26(b)(5) within five (5) days of this Order. Specifically, Plaintiff UAS is hereby ordered to produce, at minimum, a privilege log identifying documents it is withholding on privilege grounds to Mothers of Asthmatics' First Request for Production Nos. 14-17, 20, 25-29, 34, 37, and 43. Plaintiff AAAPC is hereby ordered to produce, at minimum, a privilege log identifying documents it is withholding on privilege grounds to Mothers of Asthmatics' First Request for Production Nos. 6-10, 13, 14, 19, 20, 17, and 33. In the event the privilege logs are not produced, or do not meet the requirements of FED. R. CIV. P. 26(b)(5), each

of Plaintiffs' privilege objections or assertions not supported by a privilege log shall be stricken, and all documents withheld subject to the asserted privilege must be produced within five (5) days thereafter.

It is further ORDERED, ADJUDGED, and DECREED that, in accordance with FED. R. Civ. P. 37(5)(A), Plaintiffs pay to Mothers of Asthmatics and Winders, jointly, reasonable and necessary fees and expenses in the amount of **\$3,850.00**.

It is so ORDERED.

Signed this ____ day of _____, 2016.

John W. Primomo
United States Magistrate Judge